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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DAVID HALTERMAN, ) Case No.: C 04-2660 JW (PVT)  
Plaintiff, )  
v. )  
EMC CORPORATION, )  
Defendant. )  
\_\_\_\_\_  
For the Northern District of California

**ORDER RE STIPULATED REQUEST  
TO FILE UNDER SEAL EXCERPTS  
OF DEFENDANT'S MOTION TO  
COMPEL**

On June 21, 2005, the parties filed a Stipulation and [Proposed] Order to File Under Seal Excerpts of Defendant's Motion to Compel an Independent Medical Examination and Further Deposition of Plaintiff Pursuant to Civ. L.R. 7-11, 7-12, & 79-5.<sup>1</sup> Based on said stipulation, the documents sought to be filed under seal, and the file herein,

IT IS HEREBY ORDERED that the request to file under seal is GRANTED as to the portions of Defendant's motion that disclose private medical information about Plaintiff, and DENIED as to the portions of Defendant's motion that disclose only non-private information regarding Plaintiff's allegations of depression and emotional distress. The latter information has already been disclosed by the Plaintiff in his publicly-filed complaint herein. While the complaint

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<sup>1</sup> The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

## United States District Court

1 does not detail all of the specifics of Plaintiff's alleged emotional distress, those specifics are not  
2 inherently more private or sensitive than Plaintiff's public allegations that he was under a doctor's  
3 care for depression and taking medication (First Amended Complaint, 12:2-3), that he has suffered  
4 severe emotional distress (First Amended Complaint, 20:10-11), and that he has and continues to  
5 suffer severe embarrassment, humiliation and mental anguish (First Amended Complaint, 24:9-10).

6 IT IS FURTHER ORDERED that the clerk of the court shall file under seal the unredacted  
7 originals of 1) Defendant EMC Corporation's Notice of Motion and Motion, and Memorandum of  
8 Points and Authorities, in Support of Motion to Compel ("Defendant's Motion to Compel"); 2) the  
9 Declaration of Michael Weil in Support of Defendant's Motion to Compel ("Weil Declaration"); and  
10 3) the Declaration of John A. Zeitz, M.D. in Support of Defendant EMC Corporations's Motion to  
11 Compel Mental Examination and Answers to Deposition Questions ("Zeitz Declaration").

12 IT IS FURTHER ORDERED that, no later than July 1, 2005, Defendant shall electronically  
13 file corrected redacted<sup>2</sup> versions of the aforementioned documents with only the following portions  
14 redacted:

15 1) From Defendant's Motion to Compel: 3:22-24; 11:14-27; 12:10; 12:15; 17:8-  
16 9; and 19:7.

17 2) From the Weil Declaration: Ex. B, pp. 10, 11, 12, 13, 14, 195, 196, 307, 309,  
18 and 311; Ex. C, pg. 3, ¶ 2; Ex. H, pg. 1, ¶ 3 through pg. 2, ¶ 3; Ex J, in whole;  
19 and Ex. K, in whole.

20 3) From the Zeitz Declaration: 2:24-25 (in ¶ 5); and 5:19-20 (in ¶ 14).

21 Dated: 6/28/05

22 */s/ Patricia V. Trumbull*  
23 PATRICIA V. TRUMBULL  
24 United States Magistrate Judge  
25  
26  
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28 <sup>2</sup> Both the caption page of a redacted document, and the docket entry for the redacted  
document, should indicate that the document is redacted.